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7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ROBERT ALLEN, GERALD DAVIS,
MAURICE JOHNSON, DEXTER
LOCKHART, FLOYD HUNT, TY-YIVRI
GLOVER, REGINALD RUSSELL,
GARY GATES, STEPHONE REVELS,
THERON JONES,

11 Plaintiffs,
12
13 v.
14

15 REPUBLIC SILVER STATE DISPOSAL,
16 INC., AND DOES I-X AND ROES I-X,

17 Defendant.

Case No. 2:10-CV-00827-JCM-LRL

**MOTION FOR AN ORDER PERMITTING
DEFENDANT REPUBLIC SILVER STATE
DISPOSAL, INC. TO PROCEED WITH
DISCOVERY**

18 Defendant Republic Silver State Disposal Inc., ("Republic"), by and through its counsel of
19 record, moves the Court for an Order Permitting Republic To Proceed with Discovery. This
20 Motion is based upon the attached Memorandum of Points and Authorities, all pleadings and
21 documents on file with the Court, and any argument that the Court deems proper.
22

23 Dated this 9th day of June, 2011.

24 JACKSON LEWIS LLP

25 /s/ Lisa A. McClane
Elayna J. Youchah, Bar No. 5837
26 Lisa A. McClane, Bar No. 10139
3960 Howard Hughes Parkway, Suite 450
27 Las Vegas, Nevada 89169

28 *Attorneys for Defendant*

MEMORANDUM OF POINTS AND AUTHORITIES

On January 5, 2011, the Court granted Callister + Associates' Motion to Withdraw as Counsel of Record for the Plaintiffs. Dkt. No. 26. The Court further ordered that the Plaintiffs had until February 18, 2011 to retain new counsel and file a notice of appearance or a status report explaining why they had not retained new counsel. *Id.* The Court also stayed proceedings in this matter pending further order of the Court. *Id.*

After Plaintiffs Gary Gates, Reginald Russell and Robert Allen filed status reports with the Court indicating they wished to proceed pro se, Republic filed a motion requesting permission to proceed with discovery relating to their claims. Dkt. Nos. 28-30, and 33. On March 15, 2011, this Court granted Republic's motion and permitted discovery relating to Plaintiffs Gates, Russell and Allen.

On March 16, 2011, Plaintiff Theron Jones (“Jones”) filed a notice with the Court indicating his address and telephone number had changed and the following day asked the Court to reopen his case. Dkt Nos. 36-37. Thus, it appears that Jones intends to proceed in this matter pro se. Additionally, Plaintiff Ty-Yivri Glover filed a notice on April 1, 2011 indicating his intent to proceed pro se. Dkt. No. 41. Accordingly, Republic respectfully requests that the Court issue an Order permitting discovery relating to both Plaintiff Theron Jones' and Ty-Yivri Glover's claims.

Finally, Republic has two outstanding Motions to Dismiss which, when decided, may eliminate Plaintiffs Gerald Davis, Maurice Johnson, Dexter Lockhart, Floyd Hunt and Stephone Revels' (the "noncompliant Plaintiffs") claims. Dkt. Nos. 39, 42. No oppositions were filed to either of Republic's Motions to Dismiss. Dkt. Nos. 45, 46. However, while Republic awaits the Court's decision, it would in the interest of efficiency, still prefer that all parties operate under the

1 same scheduling order. To that end, Republic would like to inform the noncompliant Plaintiffs of
2 discovery proceedings and invite them to attend as long as they remain parties in the action.

3 Accordingly, Republic respectfully requests that the Court issue an Order permitting
4 Republic to: (1) continue discovery relating to Plaintiffs Theron Jones and Ty-Yveri Glover and
5 (2) continue under the same scheduling order for all parties, including the non-compliant
6 Plaintiffs.
7

8 Dated this 9th day of June, 2011.

9 JACKSON LEWIS LLP
10

11 /s/ Lisa A. McClane
12 Elayna J. Youchah, Bar No. 5837
13 Lisa A. McClane, Bar No. 10139
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15 Las Vegas, Nevada 89169
16

17 *LJL*
18 *Attorneys for Defendant*
19

20 **IT IS SO ORDERED.**
21

22 *LJL*
23 **UNITED STATES MAGISTRATE JUDGE**
24 **DATED:** 9-29-11
25

CERTIFICATE OF SERVICE

Pursuant to Special Order #109, counsel of record registered for the CM/ECF system have been served with the foregoing **MOTION FOR AN ORDER PERMITTING DEFENDANT REPUBLIC SILVER STATE DISPOSAL, INC. TO PROCEED WITH DISCOVERY** by electronic means. In addition, pursuant to Fed. R. Civ. P. 5(b), I hereby certify that the service of the same was made this 9th day of June, 2011, by depositing a true copy of the same for mailing at Las Vegas, Nevada, addressed to:

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/s/ Emily Santiago

Employee of Jackson Lewis, LLP